

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

RAYMOND REGINALD PEOPLES, JR. §  
VS. § CIVIL ACTION NO. 1:23cv86  
DIRECTOR, TDCJ-CID §

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Raymond Reginald Peoples, Jr., an inmate at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a conviction for aggravated assault following the revocation of his release on deferred adjudication probation.

The Court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation. The Court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

Despite petitioner's objections, the Magistrate Judge correctly concluded petitioner's claim regarding excessive bail was moot in light of petitioner's conviction. The Magistrate Judge also concluded petitioner's ground for review regarding an improper search and seizure was barred by *Stone v. Powell*, 428 U.S. 465, 494 (1976). In his objections, petitioner asserts his claim of an improper search and seizure was never litigated in state court. *Stone* bars federal habeas review of Fourth Amendment claims when the state has provided an opportunity for full and fair litigation of the claims. *Stone* applies whether or not the defendant litigated the claim as long as he had the opportunity to do so. *Shisinday v. Quarterman*, 511 F.3d 514, 525 (5th Cir. 2007). There is no

indication in the record petitioner was denied the opportunity to litigate his Fourth Amendment claim in state court.

The Court has carefully considered the objections regarding petitioner's remaining grounds for review. The Court agrees with the conclusions reached by the Magistrate Judge with respect to these grounds for review.

ORDER

Accordingly, petitioner's objections [Dkt. 29] are OVERRULED. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge [Dkt. 26] is ADOPTED. A final judgment will be entered in accordance with the recommendation of the Magistrate Judge.

In addition, the Court is of the opinion that the petitioner is not entitled to a certificate of appealability. An appeal from a judgment denying federal habeas relief may not proceed unless a judge issues a certificate of appealability. *See 28 U.S.C. § 2253.* The standard that must be met in order to receive a certificate of appealability requires the petitioner to make a substantial showing of the denial of a federal constitutional right. *See Slack v. McDaniel*, 529 U.S. 583-84 (2000); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004). To make a substantial showing, the petitioner is not required to demonstrate that he would prevail on the merits. Rather, he need only demonstrate that the issues are subject to debate among jurists of reason, that a court could resolve the issues in a different manner, or that the questions presented in the petition are worthy of encouragement to proceed further. *See Slack*, 529 U.S. at 483-84. Any doubt regarding whether to grant a certificate of appealability should be resolved in favor of the petitioner, and the severity of the penalty may be considered in making this determination. *See Miller v. Johnson*, 200 F.3d 274, 280-81 (5th Cir. 2000).

In this case, the petitioner has not shown that the issue of whether his petition is meritorious is subject to debate among jurists of reason. The factual and legal questions raised by petitioner have been consistently resolved adversely to his position and the questions presented are not worthy

of encouragement to proceed further. As a result, a certificate of appealability shall not issue in this matter.

**SIGNED this 16th day of July, 2025.**

*Michael J. Truncale*  
\_\_\_\_\_  
Michael J. Truncale  
United States District Judge